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| Adopted | Rejected |
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COMMITTEE REPORT

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| YES: | 12 |
| NO: | 0 |

MR. SPEAKER:

Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1203, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 14-8-2-117.3 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 117.3. "Governmental
- 5 entity", for the purposes of IC 14-22-10-2, ~~and~~ IC 14-22-10-2.5, **and**
- 6 **IC 14-34-19-15**, has the meaning set forth in IC 14-22-10-2(a).".
- 7 Page 4, after line 33, begin a new paragraph and insert:
- 8 "SECTION 6. IC 14-34-19-15 IS ADDED TO THE INDIANA
- 9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
- 10 JULY 1, 2004]: **Sec. 15. (a) This section applies to the following:**
- 11 **(1) When the department is considering a mine land**
- 12 **reclamation project under IC 14-34-1-2 or 312 IAC 25-2-3**

1 **that is:**

2 **(A) at least fifty percent (50%) funded by funds**
3 **appropriated from a governmental entity that finances the**
4 **construction through either the entity's budget or general**
5 **revenue bonds; or**

6 **(B) less than fifty percent (50%) funded by funds**
7 **appropriated from a governmental entity that finances the**
8 **construction through either the entity's budget or general**
9 **revenue bonds if the construction is an approved**
10 **reclamation project under Title IV of the federal Surface**
11 **Mining Control and Reclamation Act of 1977**
12 **(30 U.S.C. 1201 through 30 U.S.C. 1328) and this chapter.**

13 **(2) When the level of funding for the construction will be less**
14 **than fifty percent (50%) of the total cost because of planned**
15 **coal extraction.**

16 **(b) The department must make the following determinations:**

17 **(1) The likelihood that coal will be mined under a surface**
18 **coal mining and reclamation operations permit issued under**
19 **this article. The determination must consider available**
20 **information, including the following:**

21 **(A) Coal reserves from existing mine maps or other**
22 **sources.**

23 **(B) Existing environmental conditions.**

24 **(C) All prior mining activity on or adjacent to the site.**

25 **(D) Current and historical coal production in the area.**

26 **(E) Any known or anticipated interest in mining the site.**

27 **(2) The likelihood that nearby mining activities at the site**
28 **might create new environmental problems or adversely affect**
29 **existing environmental problems at the site.**

30 **(3) The likelihood that nearby mining activities at the site**
31 **might adversely affect nearby mining activities.**

32 **(c) If a decision is made to proceed with the reclamation**
33 **project, the department must make the following determinations:**

34 **(1) The limits on any coal refuse, coal waste, or other coal**
35 **deposits that can be extracted under the exemption under**

1 **IC 14-34-1-2 and 312 IAC 25-2-3.**

2 **(2) The delineation of the boundaries of the abandoned mine**
3 **lands reclamation project.**

4 **(d) The following documentation must be included in the**
5 **abandoned mine lands reclamation case file:**

6 **(1) Determinations made under subsections (b) and (c).**

7 **(2) The information taken into account in making the**
8 **determinations.**

9 **(3) The names of the persons making the determinations.**

10 **(e) The department must do the following for each project:**

11 **(1) Characterize the site regarding mine drainage, active**
12 **slide and slide prone areas, erosion and sedimentation,**
13 **vegetation, toxic materials, and hydrological balance.**

14 **(2) Ensure that the reclamation project is conducted**
15 **according to provisions of 30 CFR Subchapter R, this chapter,**
16 **and applicable procurement provisions to ensure the timely**
17 **progress and completion of the project.**

18 **(3) Develop specific site reclamation requirements, including,**
19 **when appropriate, performance bonds that comply with**
20 **procurement procedures.**

21 **(4) Require the contractor conducting the reclamation to**
22 **provide, before reclamation begins, applicable documents**
23 **that authorize the extraction of coal and any payment of**
24 **royalties.**

25 **(f) The contractor must obtain a surface coal mining and**
26 **reclamation operations permit under this article for any coal**
27 **extracted beyond the limits of the incidental coal specified in**
28 **subsection (c)(1)."**

29 Renumber all SECTIONS consecutively.

 (Reference is to HB 1203 as introduced.)

and when so amended that said bill do pass.

Representative Bischoff